

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF WISCONSIN**

**In re: Todd A. Brunner and
Sharon Y. Brunner,**

**Case No. 11-29064-jes
(Chapter 11)**

Debtors.

**MOTION BY THE UNITED STATES TRUSTEE FOR THE PRODUCTION OF
DOCUMENTS AND EXAMINATION UNDER RULE 2004**

NOW COMES the United States Trustee, by Attorney Debra L. Schneider, who moves the Court pursuant to Rule 2004, Fed. R. Bankr. P., for an order, *duces tecum*, to examine Julie L. Sweet, and who in support of this motion states as follows:

1. This motion is being made on an *ex parte* basis, which is permissible. See 1993 Advisory Committee Note to Fed. R. Bankr. P. 2004.
2. The Debtors, Todd and Sharon Brunner, commenced this Chapter 11 bankruptcy on June 5, 2011.
3. This Chapter 11 bankruptcy estate has approximately 204 properties.
4. The Debtors have not filed tax returns for 2009 or 2010 and, to date, have not produced numerous records related to the properties.
5. A debtor seeking a bankruptcy discharge has a duty to keep and preserve books and records from which the debtor's financial condition or business transactions can be ascertained.
6. The Debtors testified at a section 341 meeting of creditors that Julie Sweet "took all of our records and threw them in a snowbank."

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7. A blog that appeared on the website of the Milwaukee Journal Sentinel on October 18, 2011, indicates that Ms. Sweet disputes this account. See <http://www.jsonline.com/blogs/news/132073758.html>
8. Further, upon information and belief, Ms. Sweet is in possession of some records related to Debtors' properties. Ms. Sweet also has documentation related to the return of some of the records to the Brunners.
9. The United States Trustee seeks to examine Julie Sweet to further investigate the incident regarding the missing records.
10. The United States Trustee may also inquire about any matter permissible under Fed. R. Bankr. P. 2004(b), including the Debtors' acts, conduct, property, assets, liabilities, financial condition, and any matter which may affect the administration of the Debtors' estate, or the Debtors' right to a discharge.
11. The United States Trustee seeks the following documentation:
 - a. Copies of all personal **and** business financial records of the Debtors, Sharon and Todd Brunner, in the possession of Julie L. Sweet. This request includes all written, typed, printed or otherwise recorded material of any kind, including papers, agreements, contracts, notes, memoranda, spreadsheets, deeds, rent receipts, rent rolls, ledgers, tax returns, HUD-1 settlement statements, mortgages, loan applications, bank statements, wire transfer requests, credit card statements, check registers, e-mails, correspondence, letters, telegrams, records, books, forms, transcriptions, recordings, magnetic tapes, discs and printed cards, computer printouts, microfilm, personal diaries, calendars, appointment books, memoranda, minutes and records of any meeting, financial statements, financial data, reports or records of telephone or other conversations, movies, videotapes, pictures, sketches, statistical analyses, and all other writings or recordings of any kind, however produced or reproduced, whether signed or unsigned, and whether inscribed by hand or by mechanical, electronic, photographic, or phonic means. This request includes originals and all copies that are in any way not identical to the original.
 - b. Copies of all documentation related to Julie Sweet's return of records to the Brunners including, but not limited to, all documentation

registering receipt, whether sent by United States mail or FedEx, UPS, DHL or other similar delivery service, including certified or registered mail receipts. This request includes originals and all copies that are in any way not identical to the original.

- c. All documentation evidencing payments made by Julie Sweet for shipping documents to Sharon and Todd Brunner including, but not limited to, credit card billing statements, checks, debit card payments, bank statements, checks, and any and all other written documentation evidencing payment.
12. The United States Trustee requests an order directing Julie L. Sweet to provide the requested documents **by November 2, 2011.**
13. The United States Trustee requests an order directing Julie L. Sweet to appear for examination pursuant to Rule 2004 at the following place and time:
- Place: Office of the United States Trustee
517 East Wisconsin Avenue, Suite 430
Milwaukee, WI 53202
- Date/time: **November 8, 2011 at 1 p.m.**
(or other mutually agreed upon date)
14. The United States Trustee does not intend to file a brief in connection with this pleading, but reserves the right to file a responsive brief or pleading if necessary.

Dated: October 21, 2011.

PATRICK S. LAYNG
United States Trustee

/s/

DEBRA L. SCHNEIDER
Attorney for the United States Trustee

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF WISCONSIN**

In re: Todd A. Brunner and
Sharon Y. Brunner,

Case No. 11-29064-jes
(Chapter 11)

Debtors.

**ORDER FOR THE PRODUCTION OF DOCUMENTS
AND EXAMINATION OF THE DEBTORS**

Upon consideration of the *Ex Parte* Motion of the United States Trustee for the production of documents and the examination of Julie L. Sweet, pursuant to Fed. R. Bankr. P. 2004, and sufficient cause appearing therefor,

IT IS HEREBY ORDERED that the document production and examination of Julie Sweet shall be conducted as follows and the examination may be continued from time to time until it is completed:

1. Julie Sweet shall produce the following documents by **November 2, 2011**:
 - a. Copies of all personal **and** business financial records of the Debtors, Sharon and Todd Brunner, in the possession of Julie L. Sweet. This request includes all written, typed, printed or otherwise recorded material of any kind, including papers, agreements, contracts, notes, memoranda, spreadsheets, deeds, rent receipts, rent rolls, ledgers,

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tax returns, HUD-1 settlement statements, mortgages, loan applications, bank statements, wire transfer requests, credit card statements, check registers, e-mails, correspondence, letters, telegrams, records, books, forms, transcriptions, recordings, magnetic tapes, discs and printed cards, computer printouts, microfilm, personal diaries, calendars, appointment books, memoranda, minutes and records of any meeting, financial statements, financial data, reports or records of telephone or other conversations, movies, videotapes, pictures, sketches, statistical analyses, and all other writings or recordings of any kind, however produced or reproduced, whether signed or unsigned, and whether inscribed by hand or by mechanical, electronic, photographic, or phonic means. This request includes originals and all copies that are in any way not identical to the original.

- b. Copies of all documentation related to Julie Sweet's return of records to the Brunners including, but not limited to, all documentation registering receipt, whether sent by United States mail or FedEx, UPS, DHL or other similar delivery service, including certified or registered mail receipts. This request includes originals and all copies that are in any way not identical to the original.
- c. All documentation evidencing payments made by Julie Sweet for shipping documents to Sharon and Todd Brunner including, but not limited to, credit card billing statements, checks, debit card payments, bank statements, checks, and any and all other written documentation evidencing payment.

2. Julie L. Sweet shall appear for examination pursuant to Rule 2004 at:

Place: Office of the United States Trustee
517 East Wisconsin Avenue, Suite 430
Milwaukee, WI 53202

Date & time: **November 8, 2011 at 1 p.m.**
(or other mutually agreed upon date)

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